

PATENT APPLN. NO. 10/786,369
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

REMARKS

Claim 35 has been amended to delete the possible substituents of groups R3, R4, R5 and R6 of the compound of formula 3-a, i.e., to limit R3, R4, R5 and R6 to, independently, hydrogen atom; halogen atom; C1-C6 alkyl group; or amidino group.

New claims 47, 48 and 49, which limit groups R3, R4, R5 and R6 to, independently, hydrogen atom; halogen atom; or C1-C6 alkyl group (claim 47); hydrogen atom; halogen atom; or amidino group (claim 48); and hydrogen atom or halogen atom (claim 49), respectively, have been added to the application. New claims 47, 48 and 49 comply with the description requirement of the first paragraph of 35 U.S.C. § 112 because a person of ordinary skill in the art would recognize that the applicants invented the subject matter defined by these claims.

Referring to the Action, claim 35 and 37 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Claim 35 as amended avoids this rejection. However, it is noted that the recitation in lines 19-23 (that has been deleted) is not a separate recitation of groups R3, R4, R5 and R6, but is a recitation of possible substituents of groups R3, R4, R5 and R6 as defined in lines 9-10. A person of ordinary skill in the art would recognize that hydrogen and halogen cannot be substituted. Therefore, claim

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35, prior to the above amendment, is definite under the second paragraph of 35 U.S.C. § 112.

Claim 35 is rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement.

Claim 35 as amended and new claims 47, 48 and 49 are believed to avoid this rejection because these claims are now commensurate in scope with the scope of the showing in the specification and the declaration filed September 29, 2009. Although these showings are limited to the use of the compound of formula 3-a, where each of R3, R4, R5 and R6 is hydrogen, a person of ordinary skill in the art would reasonably expect compounds including the other substituents within the scope of claims 35, 47, 48 and 49 to produce similar results.

Removal of the 35 U.S.C. § 112 rejections is requested.

The foregoing is believed to be a complete and proper response to the Office Action dated January 5, 2010. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to Deposit

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Account No. 111833.

In the event any additional fees are required, please also
charge Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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